

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYLAN LUCAS,

Defendant.

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CASE NO. 8:04CR44

ORDER

This matter is before the Court on the Defendant's motion for copies and to extend the deadline for filing a motion pursuant to 28 U.S.C. § 2255 (§ 2255 motion) (Filing No. 224).

The Defendant requests copies of pleadings, Jencks Act material, and transcripts. He attaches a letter from his attorney listing the documents that the attorney is providing. (Filing No. 224.) The Defendant asks that his one-year time limit for filing his § 2255 motion¹ not begin until he receives all of the requested documents. He states that he will proceed in forma pauperis.

The request for documents without cost is premature. Only once a defendant files a motion pursuant to 28 U.S.C. § 2255, and only if he has been allowed to proceed with his § 2255 motion in forma pauperis, may the Court determine whether court documents may be provided to the defendant without cost. 28 U.S.C. § 2250.

If the Defendant wishes to purchase copies of his transcripts by providing payment in advance, he may write the court reporter, Ms. Brenda Fauber, 118 S. 18th Plaza, Suite 3129, Omaha, NE 68102, and obtain the current cost and additional information.

¹On March 24, 2008, the United States Supreme Court denied the Defendant's petition for certiorari. (Filing No. 223.)

The Court does not possess any Jencks Act material.

The request for an extension of time to file a § 2255 motion is denied.

IT IS ORDERED that the Defendant's motion for copies and to extend the deadline for filing a motion pursuant to 28 U.S.C. § 2255 (Filing No. 224) is denied.

DATED this 9th day of June, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge